

Notice of Allowability

Application No.

10/662,469

Applicant(s)

EKBERG ET AL.

Examiner

Art Unit

Thai D. Hoang

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to RCE filed on 7/26/2007.
2. ☒ The allowed claim(s) is/are 1,2,6,48,7,3-5,8-9,13,49-51,14,11,12,15-38,52,39-47,53-63 have been renumbered as 1-63 respectively.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date <u>7/26/07; 4/4/07</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

DETAILED ACTION

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Joseph C. Redmond on 8/21/2007.

The application has been amended as follows:

Claim 62 (Currently Amended) ~~A medium storing program instructions, executable in a computer system~~ A computer readable medium encoded with a computer program for launching an application runnable in a wireless device and a nearby device connected to an ad-hoc communication network and enabling the wireless device to communicate with the nearby device via the application and perform the following method:

- at start, determining if an application to be launched is in the wireless device;
- if not, copy and install permanently or temporarily in the wireless device, the application;
- from the nearby device and return to start;
- determining if the application is in the nearby wireless device;
- if not, copy the application from the wireless device to the nearby wireless device, and return to start;
- determining if the application running in the nearby device;

if yes, let the wireless device and the nearby wireless device communicate via the application until terminated and return to start;

if not, determine if the application is running in the wireless device;

if yes, return to start, and

if not, start the application in the wireless device and return to start.

Allowable Subject Matter

Claims 1-63 are allowed.

The following is an examiner's statement of reasons for allowance:

Hermann et al., US PAT No. 6,633,757 B1, discloses "Adjacency-bound service discovery", and Peng, US PAT No. 6,738,766 B2, discloses "Apparatus and methods for providing personalized application search results for wireless devices based on user profiles". Both Hermann and Peng do not teach or fairly suggest the following features, which are recited in each independent claim of the present application:

(a) A system and method in an adhoc network comprising the step of:

examine at least one control parameter from the group comprising application states; user- defined application settings and macros ,wherein the macros comprise (i) auto-download, (ii) downloadable, (iii) auto-launch-everything and (iv) transfer and state indications in the combined distributed applications directory associated with the selected prioritized application as recited in claims 1, 7-8, 14-15, 19, 24, 29, 32, 39, 46-47, 53 and 63.

(b) A computer readable medium encoded with a computer program for launching an application runnable in a wireless device and a nearby device connected to an ad-hoc

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communication network and enabling the wireless device to communicate with the nearby device via the application and perform the following method:

at start, determining if an application to be launched is in the wireless device;

if not, copy and install permanently or temporarily in the wireless device, the application;

from the nearby device and return to start;

determining if the application is in the nearby wireless device;

if not, copy the application from the wireless device to the nearby wireless device, and return to start;

determining if the application running in the nearby device;

if yes, let the wireless device and the nearby wireless device communicate via the application until terminated and return to start;

if not, determine if the application is running in the wireless device;

if yes, return to start, and

if not, start the application in the wireless device and return to start as

recited in claim 62.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thai D. Hoang whose telephone number is (571) 272-3184. The examiner can normally be reached on Monday-Friday 10:00am-6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on (571) 272-3179. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/TH/


CHI PHAM
SUPERVISORY PATENT EXAMINER 8/28/07